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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/758,662   | 01/15/2004  | Joseph A. Cervantes  | HSJ920030236US               | 5882                   |
| 7590<br>John L. Rogitz<br>Rogitz & Associates<br>Suite 3120<br>750 B Street<br>San Diego, CA 92101 |             |                      | EXAMINER<br>DALEY, CLIFTON G |                        |
|  |             |                      | ART UNIT<br>2624             | PAPER NUMBER           |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/758,662

**Applicant(s)**

CERVANTES ET AL.

**Examiner**

Clifton G. Daley

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/15/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Han et al. (Hereinafter "Han": US Patent Application 2002/0051242).

**Regarding claim 1**, Han teaches a self-contained character recognition system, comprising: a housing configured for receiving at least one paper document (**Fig. 6, 204**); a scanner in the housing outputting a digitized representation of information on the paper document (**Fig. 2, 40**); a processor in the housing and executing a character recognition module (**e.g. OCR, ¶ 0073, lines 16-19**) for converting the digitized representation into electronic text (**¶ 0015, lines 13-16**); and at least one hard disk drive (HDD) in the housing for storing the electronic text (**¶ 0041, lines 9-12**).

**Regarding claim 4**, Han teaches the system of claim 1, wherein the HDD is removable from the housing (**¶ 0041, lines 9-12**).

**Regarding claim 5**, Han teaches the system of claim 1, further comprising an output bus on the housing for transferring data on the HDD to an external computing device (**¶ 0047, lines 8-11 and ¶ 0109, lines 2-3, i.e. Ethernet**).

**Regarding claim 7**, Han teaches the system of claim 1, further comprising: at least one input device engaged with the housing (**Fig. 12, 234, i.e. +/- button**); and at least one output device on the housing (**Fig. 12, 234, i.e. +/- button**).

**Regarding claim 8**, Han teaches a method for converting text on paper to electronic form, comprising: providing a single housing holding a scanner (**Fig. 6, 204**), a processor accessing a character recognition module (**¶ 0015, lines 13-16 and ¶ 0073, lines 16-19**), and at least one hard disk drive (HDD) (**¶ 0041, lines 9-12**); feeding at least one paper document into the housing (**¶ 0090**); scanning the paper document using the scanner (**¶ 0093**); converting an output of the scanner into electronic text using the character recognition module (**e.g. OCR, ¶ 0073, lines 16-19**); and storing the electronic text on the HDD (**Fig. 5, 104**).

**Regarding claim 10**, Han teaches a portable scanner system, comprising: a scanner in a housing for scanning printed text on paper documents (**Fig. 6, 200**); a hard disk drive (HDD) in the housing (**¶ 0041, lines 9-12**); and a processor interposed between the scanner and HDD within the housing to generate an electronic version of the paper text and store the electronic version on the HDD (**Fig. 5, 100, 102 and 104**).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han as applied to claim 1 above, and further in view of Zechleitner (US 7142334).

**Regarding claim 2**, Han teaches the system of claim 1.

Han does not explicitly disclose the limitation wherein the system further comprises a HDD driver executable by the processor for communicating with the HDD.

However, Zechleitner discloses a system comprising a device driver executable by the processor for communicating with the device (**column 10, line 64 to column 11, line 4**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a HDD driver for communicating with the HDD since these were standard components and methods (**Zechleitner: column 10, lines 64-67**).

**Regarding claim 3**, Han teaches the system of claim 1.

Han does not explicitly disclose the limitation wherein the HDD includes a HDD controller.

However, Zechleitner discloses a system wherein the storage device includes a device controller (**column 10, line 64 to column 11, line 4**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a HDD controller since these were standard components and methods (**Zechleitner: column 10, lines 64-67**).

5. Claims 6, 9, 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han as applied to claim 1 above, and further in view of Mangerson (US 6504138).

**Regarding claim 6**, Han teaches the system of claim 1.

Han does not teach the limitation wherein the processor automatically executes the character recognition module upon scanning a document and stores the electronic text in the HDD, without the need for a user command.

However, Mangerson discloses a system wherein the processor automatically executes the character recognition module upon scanning a document and stores the electronic text in the HDD, without the need for a user command (**column 5, lines 40-51**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Mangerson's OCR and storage method with Han's scanning system, the motivation being to speed up the process of document scanning.

**Regarding claim 9**, Han teaches the method of claim 8.

Han does not teach the limitation wherein the converting act is automatically executed by the processor in response to the scanning act.

However, Mangerson discloses a system wherein the converting act is automatically executed by the processor in response to the scanning act (**column 5, lines 40-51**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Mangerson's OCR and storage method with Han's scanning system, the motivation being to speed up the process of document scanning.

**Regarding claim 11**, Han combined with Mangerson teaches the system of claim 10, further comprising a character recognition module for converting the digitized representation into electronic text, the character recognition module being executable by the processor **(Han: ¶ 0073, lines 16-19)**.

**Regarding claim 14**, Han combined with Mangerson teaches the system of claim 11, wherein the HDD is removable from the housing **(Han: ¶ 0041, lines 9-12)**.

**Regarding claim 15**, Han combined with Mangerson teaches the system of claim 11, further comprising an output bus on the housing for transferring data on the HDD to an external computing device **(Han: ¶ 0047, lines 8-11 and ¶ 0109, lines 2-3, i.e. Ethernet)**.

**Regarding claim 16**, Han combined with Mangerson teaches the system of claim 11, wherein the processor automatically executes the character recognition module upon scanning a document and stores the electronic version in the HDD, without the need for a user command **(Mangerson: column 5, lines 40-51)**.

**Regarding claim 17**, Han combined with Mangerson teaches the system of claim 11, further comprising: at least one input device engaged with the housing **(Han: Fig. 12, 234, i.e. +/- button)**; and at least one output device on the housing **( )**.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view of Mangerson as applied to claim 1 above, and further in view of Zechleitner.

**Regarding claim 12**, Han combined with Mangerson teaches the system of claim 11.

Han combined with Mangerson does not explicitly disclose the limitation wherein the system further comprises a HDD driver executable by the processor for communicating with the HDD.

However, Zechleitner discloses a system comprising a device driver executable by the processor for communicating with the device (**column 10, line 64 to column 11, line 4**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a HDD driver for communicating with the HDD since these were standard components and methods (**Zechleitner: column 10, lines 64-67**).

**Regarding claim 13**, Han combined with Mangerson teaches the system of claim 11.

However, Zechleitner discloses a system wherein the storage device includes a device controller (**column 10, line 64 to column 11, line 4**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a HDD controller since these were standard components and methods (**Zechleitner: column 10, lines 64-67**).



***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McWaters et al. (US 4118687) discloses a portable OCR system. Bertrand et al. (US 6011850) discloses a self-contained scanning system with daughter board slots to provide a variety of features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifton G. Daley whose telephone number is 571-270-3144. The examiner can normally be reached on Monday - Friday 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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